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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,669	10/23/2006	Frederic Ponson	5310-09300	9953
35690 7590 07/07/2009 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
EXAMINER				
HOLMES, JUSTIN				
ART UNIT		PAPER NUMBER		
3655				
NOTIFICATION DATE		DELIVERY MODE		
07/07/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent_docketing@intprop.com
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Office Action Summary

Application No.

10/566,669

Applicant(s)

PONSON ET AL.

Examiner

JUSTIN HOLMES

Art Unit

3655

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 15, 18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 9, 11-14, 16, 17, 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Examiner acknowledges receipt of the Amendment filed on June 2, 2009. Accordingly, claims 1-22 are currently pending.

Claim Objections

2. Claims 6 and 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s). Specifically, the "bearing" as claimed in claim 6 and the "rolling bearing" as claimed in claim 7 have already been recited in the independent claim 1. Accordingly, claims 6 and 7 must be cancelled and claim 8 amended to depend on an appropriate claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2003/0051960 to Li et al.

The Li et al. publication teaches a freewheel bearing device having an outer element 40, an inner element 44 placed in the outer element 40, and a freewheel 71 between the inner element 44 and the outer element 40. A race 46 is provided with an inner cylindrical surface and an outer cylindrical surface, substantially aligned on a radial plane perpendicular to the axis of rotation of the device, and a torque limiter

member 60 capable of limiting the torque transmitted by the freewheel 71, the torque limiter member 60 mounted in series with the freewheel 71 to limit the torque transmitted by the unidirectional engagement member 74 in the torque transmitting position. See Fig. 2 and paragraph 24 of the Li et al. publication.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 10, 15, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2003/0051960 to Li et al. in view of U.S. Publication No. 2002/0148697 to Muramatsu et al.

Regarding claims 1, 7 and 8, the Li et al. publication teaches a freewheel bearing device, of the type comprising an outer element 40, an inner element 44 placed in the outer element 40, and a freewheel 71 provided with at least one jamming element 74, between the inner element 44 and the outer element 40 to leave free a rotation movement in one direction to transmit a torque in the other direction between the outer element and the inner element. The at least one jamming element 71 is mounted between and in contact with the inner element 44 and a race 46 of the freewheel 71, the race 46 provided with an inner cylindrical surface and an outer cylindrical surface, substantially aligned on a radial plane perpendicular to the axis of rotation of the device,

and a torque limiter member 60 capable of limiting the torque transmitted by the freewheel 71, the torque limiter member 60 being placed radially between the race 46 and the outer element 40 which the at least one jamming element 74 is not in contact. A sleeve bushing 29 is positioned between the race 46 and the outer element 40. See Fig. 2.

However, the Li et al. publication lacks a teaching of the bearing being a rolling bearing.

The Muramatsu et al. publication teaches a rolling bearing 41 between an inner member 2 and a race 22 and adjacent a one way clutch 20. The race 22 is positioned between the inner member 2 and the outer member 60. See Fig. 2.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Li et al. publication to include the rolling bearing as taught in the Muramatsu et al. publication as it is a substitution of parts for the sleeve bushing of the Li et al. publication to provide the predictable result of having relative movement between two parts facilitated by a rolling bearing.

Regarding claim 2, the torque limiter member 60 is mounted in series with the freewheel 71 to limit the torque transmitted by the unidirectional engagement member 74 in the torque transmitting position. See paragraph 24 of the Li et al. publication.

Regarding claims 3 and 4, the torque limiter member 60 comprises at least one friction element 64 having a radial friction surface. See Fig. 2 of the Li et al. patent.

Regarding claim 5, the friction element 64 comprises an axial friction surface delimited by two radial planes. See Fig. 2 of the Li et al. publication.

Regarding claim 6, a bearing 29 allowing the outer element 41 to rotate relative to the inner element 44. See Fig. 2 of the Li et al. publication.

Regarding claim 10, the torque limiter member 60 is placed in a bore 46 of the freewheel. See Fig. 2 of the Li et al. publication.

Regarding claim 15, the torque limiter member 60 comprises at least one friction ring 64 and an elastic washer 66 for placing the friction ring 64 bearing axially on a friction surface 62. See Fig. 2 of the Li et al. publication.

Regarding claim 18, the freewheel comprises a spring 71 provided with an end fixedly attached to the torque limiter member 60 and coils in friction contact on the inner element 44. See Fig. 2 of the Li et al. publication.

Regarding claims 20 and 21, the torque limiter member 60 comprises a friction element 64 and an element 66 for prestressing the friction 64 element against said race 46. See Fig. 2 of the Li et al. publication.

Response to Arguments

7. Applicant's arguments, see pages 8 and 9, filed June 2, 2009, with respect to claims 1, 2, 9, 13, 16, 19, 21 and 22 rejected under 35 USC 102 (a and e) as being anticipated by U.S. Publication 2004/0065762 to Mori et al. have been fully considered and are persuasive. The rejection of February 18, 2009 has been withdrawn.
8. Applicant's arguments with respect to claims 1, 3-6, 10, 15, 18 and 20 as being rejected under 35 USC 102(b) as being anticipated by U.S. Publication No. 2003/0051960 to Li et al. have been considered but are moot in view of the new ground(s) of rejection that were necessitated by the amendments to claim 1.

Allowable Subject Matter

9. Claims 9, 11-14, 16, 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 7,537,540 to Baumann et al. teaches housing having locking bodies with resilient members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN HOLMES whose telephone number is (571)272-3448. The examiner can normally be reached on 8:00am to 4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JUSTIN HOLMES/
Examiner, Art Unit 3655

/Rodney H. Bonck/
Primary Examiner, Art Unit 3655